

Remarks

Claims 1, 5, 7, 8, 10-12, 17, 18, 20, and 21 stand rejected and remain pending. Claims 2-4, 6, 9, 13-16, 19, and 22-27 were canceled in previous responses. Claims 1 and 12 are amended herein. The Appellant respectfully traverses the rejection and requests allowance of claims 1, 5, 7, 8, 10-12, 17, 18, 20, and 21.

Claim Amendments

Independent claim 1 is amended to indicate that the insertion point “comprises data indicating where in the selected video content the selected video advertising is to be inserted....” Independent claim 12 is similarly amended. Support in the present application for this amendment is provided at least in Fig. 3 and page 7, lines 5-12.

Further, independent claim 1 is amended to recite that the insertion point is transferred to the target viewer device “over the second transport system.” Independent claim 12 is amended in a corresponding manner. Support for this amendment is provided in the present application at least at Fig. 2 and page 6, lines 14-18.

Claim Rejection under 35 U.S.C. § 103

Claims 1, 5, 7, 8, 10-12, 17, 18, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,718,551 to Swix et al. (hereinafter “Swix”) in view of U.S. Patent No. 6,698,020 to Zigmond et al. (hereinafter “Zigmond”), “NDS: NDS’ XTV™ Time Shifting Technology Empowers the Viewer and the Broadcaster,” M2 Presswire (Sept. 10, 1999) (hereinafter “XTV”), and U.S. Patent No. 6,588,015 to Eyer et al. (hereinafter “Eyer”). (Pages 2 and 3 of the final Office action.)

With respect to claims 1 and 12, the final Office action indicates that Swix teaches “transferring the selected video content to a target viewer device over a first transport system and transferring the selected video advertising to the target viewer device over a second transport system, wherein the first transport system uses greater bandwidth for video transfer than the second transport system” at column 12, line 21, to column 12, line 23. (Page 2 of the final Office action.) Further, the final Office action indicates that Zigmond teaches at Figs. 3-6; column 6, lines 13-29; column 7, lines 1-25; and column 17, lines 10-32, the provisions of “interrupting the transferring of the selected

video content in the video stream at the insertion point; retrieving the selected video advertising from the video storage; inserting the selected video advertising into the video stream; [and] resuming the transferring of the selected video content in the video stream at the insertion point.” (Page 3 of the final Office action.)

However, neither Swix nor Zigmond teaches or suggests transferring the insertion point to the target viewer device over the second transport system (i.e., the transport system used to transfer the selected video advertising to the target viewer device), as set forth in claims 1 and 12. In Swix, for example, the beginning of an insertion slot for a targeted advertisement is indicated by way of a “q-tone”, which is a signal transported within a normal broadcast transmission. (Fig. 5, and column 13, lines 15-17.) Further, all signals from the cable head-end are transmitted to the various set-top boxes by way of the same distribution network. (Fig. 1; and column 4, lines 7-14.) As for Zigmond, advertisement triggers are delivered either explicitly by signal, or implicitly, by way of the normal video programming feed. (Column 8, lines 32-54. See also column 15, lines 45-65.)

Additionally, neither Swix nor Zigmond teaches or suggests an insertion point comprising “data indicating where in the selected video content the selected video advertising is to be inserted,” as provided for in claims 1 and 12. Swix, for example, indicates the use of a “q-tone” *signal*, as described above. Similarly, Zigmond provides either a triggering signal or implies the timing of the trigger in its programming feed, as discussed earlier.

Thus, based on at least the reasons provided above, the Applicant contends that claims 1 and 12 are allowable in view of the cited references, and such indication is respectfully requested.

Therefore, based on at least the foregoing discussion, the Appellant contends that claims 1 and 12 are allowable in view of the combination of Swix, Zigmond, XTV, and Eyer, and such indication is respectfully requested.

Dependent claims 5, 7, 8, 10, and 11 depend from independent claim 1, and claims 17, 18, 20, and 21 depend from independent claim 12, thus incorporating the provisions of each of these independent claims. Therefore, the Appellant asserts that claims 5, 7, 8, 10, 11, 17, 18, 20, and 21 are allowable for at least the same reasons as

those presented above in support of claims 1 and 12, and such indication is respectfully requested.

Therefore, in view of the foregoing discussion, the Appellant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 5, 7, 8, 10-12, 17, 18, 20, and 21.

Conclusion

Based on the above remarks, the Appellant submits that claims 1, 5, 7, 8, 10-12, 17, 18, 20, and 21 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Appellant thus respectfully requests allowance of claims 1, 5, 7, 8, 10-12, 17, 18, 20, and 21.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 1.17(e) for the request for continued examination (37 C.F.R. § 1.114(a)) filed herewith. The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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/Kyle J. Way/

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